

## AN ACT

ENTITLED, An Act to revise certain provisions relating to the submission of direct legislation to a vote of the people at a general election.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 2-1-2 be amended to read as follows:

2-1-2. The petition shall be filed in the Office of the Secretary of State by the first Tuesday in April of a general election year for submission to the electors at the next general election.

Section 2. That § 2-1-6.2 be amended to read as follows:

2-1-6.2. The full text of any initiative petition, referred law petition, or initiated constitutional amendment petition, the date of the general election at which the initiated law or initiated constitutional amendment is to be submitted, and the names and addresses of the petition sponsors shall be filed with the secretary of state prior to circulation for signatures. The signer's post office box number may be given in lieu of a street address if the signer lives within a municipality of the second or third class. The form of the petitions shall be prescribed by the State Board of Elections. For any initiated constitutional amendment petition, no signatures may be obtained more than twenty-four months preceding the general election that was designated at the time of filing of the full text. For any initiative petition, no signatures may be obtained more than nineteen months preceding the general election that was designated at the time of filing of the full text. An initiative petition and an initiated constitutional amendment petition shall be filed with the secretary of state by the date set forth in § 2-1-2 or 2-1-2.1, as applicable. All sections of any petition filed under this chapter shall be filed with the secretary of state simultaneously together with a sworn affidavit on forms promulgated by the State Board of Elections, signed by two-thirds of the sponsors stating that the documents filed constitute the entire petition and to the best of their knowledge contain a sufficient number of signatures.

Section 3. That § 12-13-9 be amended to read as follows:

12-13-9. Before the third Tuesday in May, the attorney general shall deliver to the secretary of state an attorney general's statement for each proposed amendment to the Constitution and each initiated measure. The attorney general's statement for each referred measure shall be delivered to the secretary of state before the second Tuesday in July. The attorney general's statement shall consist of the title, the explanation, and a clear and simple recitation of the effect of a "Yes" or "No" vote. The explanation shall be an objective, clear and simple summary to educate the voters of the purpose and effect of the proposed amendment to the Constitution, the initiated measure, or the referred law. The attorney general shall include a description of the legal consequences of the proposed amendment, the initiated measure, or the referred law, including the likely exposure of the state to liability if the proposed amendment, the initiated measure, or the referred law is adopted. The explanation may not exceed two hundred words in length. On the printed ballots, the title shall be followed by the explanation and the explanation shall be followed by the recitation.

Section 4. That chapter 12-13 be amended by adding thereto a NEW SECTION to read as follows:

In the year 2006, the attorney general's statement for each proposed amendment to the Constitution and each initiated measure shall be delivered to the secretary of state before the second Tuesday in July.

Section 5. That § 12-13-23 be amended to read as follows:

12-13-23. The secretary of state shall distribute public information on any constitutional amendment, initiated, or referred measure submitted to the electors for approval. The secretary of state shall compile the public information by printing a statement in support of the constitutional amendment, initiated, or referred measure written by its proponents, if any can be identified, and a statement against the constitutional amendment, initiated, or referred measure written by its

opponents, if any can be identified. The secretary of state is not responsible for the contents, objectivity, or accuracy of the statements written by the proponents and opponents.

Section 6. That chapter 12-13 be amended by adding thereto a NEW SECTION to read as follows:

The secretary of state shall, within five days of delivery from the attorney general, make the attorney general's statement for each proposed amendment to the Constitution, each initiated measure, and each referred law available to any person upon request.

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I certify that the attached Act  
originated in the

SENATE as Bill No. 78

\_\_\_\_\_  
Secretary of the Senate  
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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 78  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor  
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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor  
=====

STATE OF SOUTH DAKOTA,  
ss.  
Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State